

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>JAMES LYNN GARRETT and</b>	)
<b>SHANNON MARIE GARRETT</b>	)
	)
<b>Plaintiffs,</b>	)
	)
<b>v.</b>	)
	)
	)
	Case No. 07 C 6882
	)
	)
	Judge Shadur
<b>THE ILLINOIS STATE</b>	)
<b>TOLL HIGHWAY AUTHORITY,</b>	)
<b>JIMMI MARSHALL,</b>	)
<b>FREDDY DICKERSON, MARIO</b>	)
<b>CALABRESE, PAUL EDWARD</b>	)
<b>GONZALEZ, JOHN BENDA,</b>	)
<b>DONALD J. McLENNAN, STEVEN</b>	)
<b>T. MUSSER, and MICHAEL ZADEL</b>	)
	)
<b>Defendants.</b>	)

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Now come the defendants, the ILLINOIS STATE TOLL HIGHWAY AUTHORITY, JIMMI MARSHALL, FREDDY DICKERSON, MARIO CALABRESE, PAUL EDWARD GONZALEZ, JOHN BENDA, DONALD J. McLENNAN, STEVEN T. MUSSER, and MICHAEL ZADEL by their attorney, LISA MADIGAN, Attorney General of the State of Illinois, and LARRY R. WIKOFF and TIFFANY I. BOHN, Assistant Attorneys General, and move this Honorable Court, pursuant to Federal Rule of Civil Procedure 56(b) for the entry of summary judgment in its favor, for the following reasons.

1. That the issues presented in this lawsuit were previously litigated on the merits by the parties in the Circuit Court of Cook County, Illinois in the matter of Estate of Lingafelter v. Overnite Transportation et al., case no. 06 L 001810.

2. That relitigation of the issues decided in Lingafelter is precluded by application of collateral estoppel.
3. That in support of their motion, defendants include and incorporate by reference their separately filed Memorandum of Law

Wherefore, the defendants move the court for the entry of summary judgment in their favor and against the plaintiffs.

LISA MADIGAN,  
Attorney General State of Illinois

Respectfully submitted,  
On behalf of all defendants

/s Larry R. Wikoff

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